

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

6:69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Canjilon Creek

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer, and moves the Court to enter its order granting default judgment against the following defendants:

Geraldine E. Garcia CHCJ-006-0001

Abelardo E. Garcia CHCJ-006-0001

and as grounds therefore plaintiff states:

1. The Court has jurisdiction over the above-named defendants as shown by the certificate of service of summons dated April 10, 2001 (Doc. 6222) for both defendants.
2. The defendants named above are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed April 3, 2009 (Doc. No. 9434).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against the above-named defendants incorporating the terms of the State's proposed consent orders and in conformance with the July 14, 2000 Rio Chama Hydrographic Survey for Section 3, Canjilon Creek.

Respectfully Submitted,

/s/ Gabriel Wade

GABRIEL WADE

Special Assistant Attorney General

Office of State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102

Phone: (505) 827-7844

Fax: (505) 827-3887

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of April, 2009 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served vial electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, post prepaid addressed as follows:

Abelardo E. Garcia

Geraldine E. Garcia

P.O. BOX 447

Canjillon, New Mexico 87515

/s/ Gabriel Wade

GABRIEL WADE

Special Assistant Attorney General

Office of State Engineer

P.O. Box 25102

Santa Fe, NM 87504-5102

Phone: (505) 827-7844

Fax: (505) 827-3887